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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS

MIKE GLEASON, Chairman  
WILLIAM A. MUNDELL  
JEFF HATCH-MILLER  
KRISTIN K. MAYES  
GARY PIERCE

2007 MAY 14 A 8:46

AZ CORP COMMISSION  
DOCUMENT CONTROL

DOCKETED

MAY 14 2007

DOCKETED BY

ME

IN THE MATTER OF THE APPLICATION  
JOHNSON UTILITIES COMPANY LLC, FOR  
AN EXTENSION OF ITS CERTIFICATE OF  
CONVENIENCE AND NECESSITY.

DOCKET NO. WS-02987A-06-0667

PROCEDURAL ORDER

**BY THE COMMISSION:**

On October 16, 2006, Johnson Utilities, L.L.C. ("Applicant" or "Johnson") filed with the Arizona Corporation Commission ("Commission") an application for an extension of its water and sewer Certificate of Convenience and Necessity ("Certificate" or "CC&N") to include the developments known as Monterra, Montessa, Florence Plaza, and portions of Walker Butte.

On November 14, 2006, the Commission's Utilities Division ("Staff") filed a Letter of Insufficiency.

On January 30, 2007, Applicant filed its Response to Insufficiency Letter.

On March 2, 2007, Staff filed a Second Insufficiency Letter.

On April 11, 2007, Applicant filed its Response to Second Insufficiency Letter.

On May 8, 2007, Staff filed a Sufficiency Letter in this docket indicating that the Applicant's application has met the sufficiency requirements as outlined in the Arizona Administrative Code ("A.A.C.")

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS FURTHER ORDERED that the **hearing** in this matter shall be held on **July 9, 2007 at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona.

IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R-14-3-105, except that all motions to intervene must be **filed on or before June 22, 2007**.

1 IT IS FURTHER ORDERED that **objections to any motions to intervene** must be filed no  
2 later than **June 29, 2007**.

3 IT IS FURTHER ORDERED that Johnson shall provide public notice of the hearing in this  
4 matter, in the following form and style, with the heading no less than 10 point bold type and the body  
5 no less than 10 point regular type:

6  
7 **IN THE MATTER OF THE APPLICATION OF JOHNSON UTILITIES COMPANY, LLC**  
8 **FOR APPROVAL TO EXTEND ITS CERTIFICATE**  
9 **OF CONVENIENCE AND NECESSITY**  
10 **DOCKET NO. WS-02987A-06-0667**

11 On October 16, 2006, Johnson Utilities Company, LLC ("Applicant" or "Johnson")  
12 filed with the Arizona Corporation Commission ("Commission") an application for  
13 an extension of its water and sewer Certificate of Convenience and Necessity  
14 ("Certificate" or "CC&N") to include the developments known as Monterra,  
15 Montessa, Florence Plaza, the portions of Walker Butte. If the application is granted,  
16 the Applicant would be the exclusive provider of water and sewer utility service in  
the proposed extension area and would be required by the Commission to provide  
service under rates and charges and terms and conditions established by the  
Commission. The Application, Report of the Commission's Utilities Division Staff,  
and any written exceptions to the Staff Report prepared by the Applicant will be  
available for inspection during regular business hours at the offices of the  
Commission located at 1200 West Washington Street, Phoenix, Arizona 85007, and  
at offices of the Applicant, [address] and on the internet via the Commission website  
([www.azcc.gov](http://www.azcc.gov)) using the e-docket function.

17 The Commission will hold a public hearing on this matter on **July 9, 2007 at 10:00**  
18 **a.m.** at the Commission's offices, at 1200 West Washington Street, Phoenix, Arizona.  
Public comment will be taken on the first day of the hearing.

19 The law provides for an open public hearing at which, under appropriate  
20 circumstances, interested parties may intervene in the proceedings and participate as a  
21 party. Intervention shall be permitted to any person entitled by law to intervene and  
22 having a direct and substantial interest in the matter. Persons desiring to intervene  
must file a written motion to intervene with the Commission and send such motion to  
the Applicant or its counsel and to all parties of record, and which at the minimum,  
shall contain the following:

- 23 1. The name, address, and telephone number of the proposed intervenor and of  
24 any party upon whom service of documents is to be made if different than the  
intervenor.
- 25 2. A short statement of the proposed intervenor's interest in the proceeding (e.g. a  
customer of the Company, a shareholder of the Company, a competitor, etc.).
- 26 3. A statement certifying that a copy of the motion to intervene has been mailed  
27 to the Company or its counsel and to all parties of record in the case.

28 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except  
that all motions to intervene must be filed on or before **June 22, 2007**. The granting

of intervention, among other things, entitles a party to present sworn evidence at the hearing and to cross-examine other witnesses. Failure to intervene will not preclude any interested person or entity from appearing at the hearing and making a statement on their own behalf. You will not, however, receive any further notice of the proceeding unless requested by you. Please check with the Commission for any changes to the scheduled hearing date.

If you have any comments, mail them (original and 13 copies) to:

The Arizona Corporation Commission  
Attention Docket Control  
re: Johnson Utilities Company, LLC  
WS-02987A-06-0667  
1200 West Washington Street  
Phoenix, Arizona 85007

If you have any questions about this application, you may contact the Applicant at **[insert telephone number]**. If you wish to file written comments on the application or want information on intervention, you may contact the Consumer Services Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as sign language interpreter, as well as request this document in an alternative format, by contacting Linda Hogan, ADA Coordinator, voice phone number 602-542-3931, E-mail lghogan@azcc.gov. Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that Applicant shall **mail to each property owner or property owner representative** in the requested extension area a copy of the above notice and shall cause the above notice to be **published in a newspaper** of general circulation in its service territory, with **publication and mailing to be completed** no later than **June 11, 2007**.

IT IS FURTHER ORDERED that Applicant shall file **certification of mailing and publication** as soon as practicable after the mailing/publication has been completed, but **not later than June 29, 2007**.

IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and publication of same, notwithstanding the failure of an individual property owner to read or receive the notice.

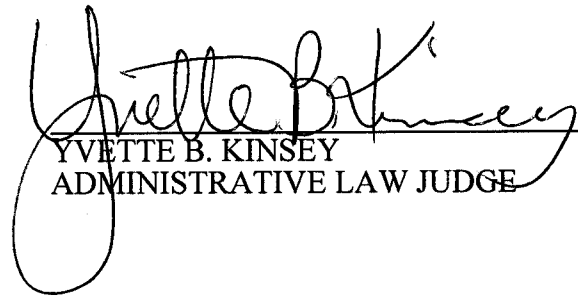
IT IS FURTHER ORDERED that Staff shall file a **Staff Report on or before June 8, 2007**.

IT IS FURTHER ORDERED that any **objections to the Staff Report shall be filed on or before June 22, 2007**.

1 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized  
2 Communications) applies to this proceeding and shall remain in effect until the Commission's  
3 Decision in this matter is final and non-appeable.

4 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive  
5 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

6 Dated this 14<sup>th</sup> day of May, 2007.

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YVETTE B. KINSEY  
ADMINISTRATIVE LAW JUDGE

11 Copies of the foregoing mailed/delivered  
12 this 14<sup>th</sup> day of May, 2007 to:

13 Daniel Hodges, Vice President  
14 JOHNSON UTILITIES, L L.C.  
15 5230 Ease Shea Boulevard, Suite 200  
16 Scottsdale, AZ 85252

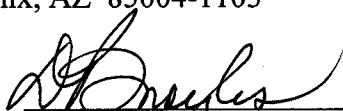
17 Richard L. Sallquist  
18 SALLQUIST, DRUMMOND & O'CONNOR, P.C.  
19 4500 South Lakeshore Drive, Suite 339  
20 Tempe, AZ 85282  
21 Attorney for Johnson Utilities Company, L.L.C.

22 Christopher Kempley, Chief Counsel  
23 Legal Division  
24 ARIZONA CORPORATION COMMISSION  
25 1200 West Washington Street  
26 Phoenix, AZ 85007

27 Ernest G. Johnson, Director  
28 Utilities Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington  
Phoenix, AZ 85007

ARIZONA REPORTING SERVICE, INC.  
2627 North Third Street, Suite Three  
Phoenix, AZ 85004-1103

By:

  
Debra Broyles  
Secretary to Marc Stern